

**MINUTES  
URBAN COUNTY PLANNING COMMISSION  
ZONING ITEMS PUBLIC HEARING**

**September 26, 2013**

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2<sup>nd</sup> Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Carla Blanton; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Frank Penn; Carolyn Plumlee; and William Wilson. Absent was Eunice Beatty.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; Cheryl Gallt; and Stephanie Cunningham. Other staff members present were Tracy Jones, Department of Law; Jeff Neal, Division of Traffic Engineering; Greg Lengal, Division of Fire and Emergency Services; Hillard Newman, Division of Engineering; and Tim Queary, Urban Forester.

II. **POSTPONEMENTS AND WITHDRAWALS**

- a. DP 2013-80: ELLERSLIE PLACE, LOTS 2 & 2A (MIDLAND CROSSING) (AMD) (11/26/13)\* - located at 222 Midland Avenue and 225 Walton Avenue. (Council District 3) **(Milestone Design Group, Inc.)**

Note: This plan was postponed at the Commission's September 12, 2013, meeting. The purpose of this amendment is to revise the site for proposed apartments on Lot 2 and the combination of apartments vs. commercial on Lot 2A.

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the notification of the nearby neighborhood associations and compliance with Article 28-6 of the Zoning Ordinance.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
7. Division of Waste Management's approval of refuse collection locations.
8. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
9. Correct plan title to read "Ellerslie Place, Lots 2 & 2A (Midland Crossing) (AMD)".
10. Addition of record plat designation.
11. Denote cross-sections for new street/access easements.
12. Dimension proposed townhouse buildings.
13. Denote width of parking spaces.
14. Denote number of bedrooms per unit.
15. Revise note #14.
16. Correct garage parking in site statistics (56 vs. 65).
17. Review by Technical Committee prior to plan certification.
18. Discuss proposed building on Lot 2A conflict with 15' and 25' easements.
19. Discuss status of preliminary subdivision plan and required information under the Land Subdivision Regulations.
20. Discuss compliance with Art. 28-6 provisions.
21. Discuss whether access easements/streets are to be public or private.
22. Discuss timing of new mixed-use building versus new townhouse development.

Petitioner Representation: Mark Madison, Milestone Design Group, was present representing the petitioner. He stated that the petitioner would like to request a two-week postponement of this item, in order to continue working with the staff to resolve some of their concerns about the plan.

Action: A motion was made by Mr. Penn, seconded by Mr. Cravens, and carried 10-0 (Beatty absent) to postpone DP 2013-80 to the October 14, 2013, Planning Commission meeting.

- III. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, September 5, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Frank Penn, Will Berkley and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman, Kelly Hunter, Scott Thompson, Denice Bullock and Joey David, as well as Captain Charles Bowen & Lieutenant Greg Lengal, Division of Fire & Emergency Services; Craig Prather, Division of Sanitary Sewers and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

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General Notes

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.
2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.

**1. FINAL SUBDIVISION PLAN**

- a. PLAN 2013-99F: WILLOW GLEN, UNIT 4 (AMD) (11/3/13)\* - located at 216 Old Mt. Tabor Road.  
(Council District 5) **(EA Partners)**

Note: This plan was postponed at the Commission's September 12, 2013, meeting. The purpose of this amendment is to revise the plat restrictions for access to Mt. Tabor Road.

The Subdivision Committee Recommended: **Postponement.** There were some questions regarding the access to Mt. Tabor Road.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection area(s) and required street tree information.
6. Addition of utility and street light easements as required by the utility companies and the Urban County Traffic Engineer.
7. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
8. Addition of existing 5' wall and maintenance easement, or revise purpose of amendment note.
9. Discuss note #7.
10. Discuss access.

Staff Presentation: Mr. Martin presented a rendering of this Final Record Plat, noting that it depicts a single lot, which is located on Old Mt. Tabor Road. Walker Way, which is a private street, stubs into the parcel near the property line. Mr. Martin noted that the subject property is a remnant parcel, and all of the surrounding properties have been developed with single family residences.

Mr. Martin stated that the purpose of this subdivision plat is to accurately depict the property in order to transfer it. The property is currently vacant, but it was previously occupied by the old family homestead. The homestead was accessed via a gravel driveway, which still exists today.

Mr. Martin explained that the staff's initial concern with this property was the driveway access to Mt. Tabor Road. He said that, when the surrounding area was developed, access to Mt. Tabor Road was restricted, with the exception of the existing homestead driveway. The staff was concerned about the possible development of the property, in light of that access. Mr. Martin stated that the staff met with the petitioner to discuss their concerns, and they are now recommending the addition of a note on the plat that states that development of the property shall be limited to a single family home unless a Preliminary Subdivision Plan, Final Development Plan, or Amended Record Plat is approved by the Planning Commission. He said that the staff is now recommending approval of this plat, deleting conditions #9 and 10.

Petitioner Representation: Al Gross, EA Partners, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations.

Commission Questions: Mr. Penn asked if the access to Mt. Tabor Road was contingent on the development of the property with a single family residence. Mr. Gross answered that that was the intent of this plat.

Citizen Comment: There were no citizens present to comment on this item.

Action: A motion was made by Ms. Blanton, seconded by Mr. Brewer, and carried 10-0 (Cravens abstained; Beatty absent), to approve PLAN 2013-99F, subject to the eight conditions as listed on the agenda, deleting conditions 9 and 10.

- IV. ZONING ITEMS** - The Zoning Committee met on Thursday, September 5, 2013, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Patrick Brewer, Mike Cravens, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

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**A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

**B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS** – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) proponents (10 minute maximum OR 3 minutes each)
  - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  - (a) petitioner's comments (5 minute maximum)
  - (b) citizen objectors (5 minute maximum)
  - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

**Note:** Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

**1. HARRODS CLUB, LLC, ZONING MAP AMENDMENT & JONES SUBDIVISION ZONING DEVELOPMENT PLAN**

- a. MAR 2013-14: HARRODS CLUB, LLC (11/3/13)\* – petition for a zone map amendment from a High Density Apartment (R-4) zone, with conditional zoning restrictions, to a High Density Apartment (R-4) zone with modified conditional zoning restrictions, for 0.978 net (1.108 gross) acres, for property located at 1167 Appian Crossing Way.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 9) recommends High Density Residential (HD) future land use for the subject property. The petitioner proposes to develop the property with 24 dwelling units in one multi-family residential building.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reasons:

1. The subject property is now recommended for High Density Residential (HD) future land use by the 2007 Comprehensive Plan, which is a significant change since the property was granted a zone change to R-4 and the conditional zoning restriction was imposed. Previously, the 2001 Comprehensive Plan recommended Low Density Residential (LD) future land use at this location. The applicant proposes a 24-unit apartment building, with a rental office, for a residential density of 24.54 dwelling units per acre.
  2. Removal of the current conditional zoning restriction to the allowable number and type of residential units will allow a development more in character with the mixture of townhouses and apartments in this immediate area.
  3. This recommendation is made subject to the approval and certification of ZDP 2013-57: Jones Subdivision prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
- b. ZDP 2013-57: JONES SUBDIVISION (9/26/13)\* - located at 1167 Appian Crossing Way.  
**(Rob Sims)**

The Subdivision Committee Recommended: **Postponement**. The current conditional zoning restricts the use of this property to a total of 17 units.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.

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5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Dimension exterior dimensions of buildings.
10. Denote proposed building height in feet.
11. Remove group residential project references in site statistics.
12. Dimension access points proposed.
13. Dimension parking lot, aisles and spaces.
14. Denote Jones Trail as public right-of-way and revise cross-section (1/2 section).
15. Addition of north arrow.
16. Delete side and rear yard setback reference.
17. Add property owners and Planning Commission certifications per Article 21 requirements.
18. Revise note #5 to include required reference to Article 16.
19. Addition of required Engineering Manual note.
20. Clarify existing tree canopy to be preserved, including locations.
21. Denote construction entrance.
22. Reduce number of units to 17.

Zoning Presentation: Ms. Wade presented the staff report, explaining that the petitioner is proposing to modify the conditional zoning restrictions in the existing R-4 zone. She oriented the Commission to the location of the subject property on the northeast corner of Appian Crossing Way and Jones Trail, near Appian Way and Armstrong Mill Road, in the area that was formerly known as Jonestown. Ms. Wade said that the subject property is bounded on two sides by R-4 zoning, and R-2 and R-3 zoning on the other two sides. The property, which is vacant, is surrounded by residential uses, and the existing character has been townhouse development.

Ms. Wade stated that the subject property was rezoned in 2006 from an R-2 to an R-4 zone; a conditional zoning restriction was put in place at that time to limit the number of units on the property to 17, and the type of units to townhouses only. That restriction was recommended in order to keep the development in character with the surrounding neighborhood.

Ms. Wade explained that, according to the Zoning Ordinance, when an applicant requests a modification to, or removal of a conditional zoning restriction, the Planning Commission must consider what has changed on the property or in the immediate vicinity since the restriction was put in place. She displayed an aerial photograph of the subject property, noting the location of apartment buildings and townhouses in the area. Ms. Wade said that the petitioner is requesting to remove the conditional zoning restriction in order to develop one apartment building with 24 units, essentially adding some density but changing the type of residential character. The petitioner is also proposing to construct a leasing office on the site. The petitioner contends that the proposed density is in substantial agreement with the 2007 Comprehensive Plan, which recommends High Density Residential land use for the subject property. Ms. Wade stated that the previous zone change on the property was evaluated using the 2001 Comprehensive Plan, which recommended Low Density Residential land use. The staff believes that that constitutes a significant change in the area since the conditional zoning restriction was put in place. The High Density Residential recommendation of the 2007 Comprehensive Plan would allow between 10 and 25 dwelling units per net acre, within which the petitioner's proposed density falls. In addition, the developer of a nearby property, which was recently rezoned, intends to construct two new apartment buildings; that development, plus the existing apartments on Appian Way, are a departure from the townhouse-style development that has historically occupied the area. Ms. Wade said that, for that reason, the petitioner contends that the character of the area is changing. The petitioner also believes that their development could lower the overall impact on the area in terms of infrastructure needs, since they are proposing fewer bedrooms on the property. The staff is in agreement with the petitioner's assessment, and they also believe that there has been a significant change in the area since the conditional zoning restriction was put in place. Ms. Wade stated that the staff also believes that the density restriction is no longer appropriate for this area. The staff and the Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Question: Mr. Penn asked if the development originally proposed on the property was for one- or two-bedroom units. Ms. Wade responded that the 17 units proposed at that time were three-bedroom units. The petitioner is currently proposing 24 units, with a combination of one- and two-bedroom units. Ms. Wade added that the petitioner is proposing a total of 30 bedrooms in those 24 units. Mr. Penn asked if the proposed development would result in an increase in density on the property. Ms. Wade responded that, because of the way density is calculated, it would result in an increase in density. However, the staff believes that there might be fewer residents, since the number of bedrooms would be reduced.

Mr. Drake asked where the subject property is located relative to Tates Creek High School. Using the Comprehensive Plan map, Ms. Wade noted that the property is located to the southwest of the school.

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Development Plan Presentation: Mr. Martin presented the corollary final development plan, noting that the petitioner is proposing to construct one apartment building, 27,000+ square feet in size, three stories in height, with 30 bedrooms in 24 units. He added that the petitioner is also proposing to construct a leasing office on the property, as well as access to Appian Crossing Way.

Mr. Martin stated that, following the Subdivision Committee meeting, the staff had prepared the following revised recommendation on this request:

The Staff Recommends: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Dimension exterior dimensions of buildings.
- ~~10. Denote proposed leasing office building height in feet as attached to the multi-family building, and reduce its size to a maximum of 1,200 square feet.~~
- ~~11. Remove group residential project references in site statistics.~~
- ~~12. Dimension access points proposed.~~
- ~~13. Dimension parking lot, aisles and spaces.~~
- ~~14. Denote Jones Trail as public right of way and revise cross-section (1/2 section).~~
- ~~15. Addition of north arrow.~~
- ~~16. Delete side and rear yard setback reference.~~
- ~~17. Add property owners and Planning Commission certifications per Article 21 requirements.~~
- ~~11.18. Revise note #5 to include required reference to Article 16 of the Code of Ordinances.~~
- ~~19. Addition of required Engineering Manual note.~~
- ~~12.20. Clarify existing tree canopy to be preserved, including locations and square footage (number of trees) needed to meet R-4 canopy requirements.~~
- ~~21. Denote construction entrance.~~
- ~~22. Reduce number of units to 17.~~
- ~~13. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification, or reduce number of units to 17.~~
- ~~14. Provided the Urban County Council rezones the property; otherwise, any Commission action of approval is null and void.~~
- ~~15. Denote: No Certificate of Occupancy shall be issued until the improvements to Jones Trail have been constructed and dedicated to the Lexington-Fayette Urban County Government by a Final Record Plat.~~

Mr. Martin stated that condition #10 is significant, in that it will require the relocation of the proposed leasing office and a reduction of its size to 1,200 square feet. The Zoning Ordinance does not permit detached leasing offices, so it will also need to be attached to the multi-family building. Mr. Martin explained that the staff is recommending that the petitioner denote the proposed leasing office to meet the Group Residential Project standard, which requires that leasing offices be limited to 1,200 square feet in size.

Mr. Martin said that condition #11 requires that the petitioner revise note #5 in order to refer to the Code of Ordinances, rather than the Zoning Ordinance. That requirement pertains to drainage and improvements as required by the accepted EPA Consent Decree.

Condition #12, Mr. Martin explained, was recommended by the staff in order to document the number of trees on the site, and count those that are proposed to be preserved. In some instances, existing tree canopy is counted toward the canopy requirement, so it is important that the number of trees be properly documented on the plan.

Mr. Martin stated that condition #13 requires the petitioner to provide documentation of the Division of Water Quality's approval of the Capacity Assurance Program (CAP) requirements, or reduce the number of units to 17. The 17 units originally approved on the property were "grandfathered in" under the CAP, but any newly-approved additional units on the site would not be grandfathered. The CAP requires that sufficient capacity be provided for the total number of units on the site.

With regard to condition #15, Mr. Martin stated that the petitioner is proposing to construct full, 1/2-section improvements to Jones Trail, with dedication of the right-of-way to LFUCG. The staff is recommending the addition of this

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condition in order to require that those improvements are constructed and dedicated prior to the issuance of a Certificate of Occupancy. With regard to Mr. Penn's earlier question, Mr. Martin explained that the previous zone change and zoning development plan in the vicinity of the subject property included a discussion about improvements to Jones Trail as well. He said that the staff anticipates that, when a development plan for that other site is approved, the improvements to that side of Jones Trail would be included.

Commission Questions: Mr. Penn asked what the width of Jones Trail would be. Mr. Martin answered that the petitioner is proposing to construct 50' of right-of-way, with a 7' utility strip and 4' sidewalk.

Mr. Owens asked, with regard to condition #13, what would happen if the petitioner was unable to demonstrate sufficient capacity under the CAP. Mr. Martin answered that the petitioner could reduce the number of units proposed to 17, which was previously approved and thus grandfathered under the CAP.

Petitioner Representation: Rob Sims, petitioner, was present. He stated that he was in agreement with the staff's recommendations, including the revised conditions for approval of the development plan.

Citizen Comments: There were no citizens present to comment on this item.

Zoning Action: A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve MAR 2013-14, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Berkley, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve ZDP 2013-57, subject to the 15 revised conditions as listed in the staff report.

## **2. C & R ASPHALT LAND ACQUISITION CO., LLC, ZONING MAP AMENDMENT & MILLER-BIRD COMMERCIAL PARK, UNIT 1-B, BLOCK C, ZONING DEVELOPMENT PLAN**

- a. MAR 2013-15: C & R ASPHALT LAND ACQUISITION CO., LLC (11/3/13)\* – petition for a zone map amendment from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 1.491 net (1.929 gross) acres, for property located at 2601 & 2617 Regency Road.

### LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 4) recommends Warehouse & Wholesale land use for the subject property. The petitioner proposes to re-zone two existing buildings, with no proposed change of use or physical changes to the properties at this time.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reasons:

1. The existing Light Industrial (I-1) zone is no longer appropriate since it is unrestricted, and a restricted Highway Service Business (B-3) zone is appropriate for the subject property for the following reasons:
  - a. The character of Regency Road and Moore Drive, near the intersection of Nicholasville Road and New Circle Road, has evolved over the years and has become occupied predominantly by businesses that have a retail focus in addition to a warehouse or wholesale function, or are specialty stores and businesses that are unique to this area of the community.
  - b. No light industrial uses exist along this portion of Regency Road or Moore Drive.
  - c. A restricted B-3 zone at this location would be compatible with the existing B-3 zoning along Regency Road, which is immediately adjacent to the south of the subject property.
2. This area of the community is one that supports small business development, which is part of the recommendations of the 2012 Goals and Objectives of the Comprehensive Plan (Goal C.2.b.), as most of the businesses along this corridor utilize less than 10,000 square feet of space and occupy multi-use buildings. This area houses many specialty stores and businesses that are unique to the community, and the proposed B-3 zoning would permit expansion of such uses beyond what the existing zoning would permit.
3. This recommendation is made subject to approval and certification of the associated development plan ZDP 2013-75: Miller-Bird Commercial Park, Unit 1-B, Block C, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
4. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall be subject to the following use restrictions via conditional zoning:

**PROHIBITED USES:**

  - a. Restaurants.
  - b. The sale of gasoline, gasoline pumps and automobile service stations.
  - c. All adult bookstores and adult entertainment uses.
  - d. Indoor theaters.
  - e. Rental or repair of equipment and/or trucks.
  - f. Car washes.

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- g. Medical and dental offices.

These restrictions are appropriate and necessary for the subject property to partially implement the 2007 Comprehensive Plan, which recommends a limited mixture of commercial land uses in the area of Moore Drive and Regency Road.

- b. ZDP 2013-75: MILLER-BIRD COMMERCIAL PARK, UNIT 1-B, BLOCK C (11/3/13)\* - located at 2601 & 2617 Regency Road. **(Wheat & Ladenburger)**

The Subdivision Committee Recommended: Approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property B-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree protection plan.
6. Addressing Office's approval of street names and addresses.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Correct plan title.
10. Dimension buildings.
11. Denote height of building in feet.
12. Denote that there will be no restaurants at this location (due to parking constraints).
13. Denote: No Zoning Compliance Permit shall be issued until there is documentation of the Division of Water Quality's approval under the Capacity Assurance Program.
14. Discuss the need for shared access and parking.

Zoning Presentation: Ms. Wade presented the staff report, briefly orienting the Commission to the location of the subject property on Regency Road, north of New Circle Road and west of Nicholasville Road. She stated that in the vicinity of the subject property is I-1 zoning to the north; I-2 across the railroad tracks at the rear of the property; B-3 to the south; and B-4 across Regency Road. The subject property currently contains a furniture store and interior design business on one of the subject parcels, and an auto parts store on the other subject parcel. There is a mixture of types of businesses in the area, including: Lexington Coffee & Tea Company; Don Jacobs Autobody Shop; Porter Paints; Re-Kid; and *The Cat's Pause*. Ms. Wade noted that all of those businesses have retail and wholesale/warehousing components, which contributes to the wide range of uses in the area.

Ms. Wade stated that the petitioner is proposing to rezone the subject property in order to provide a broader range of uses on the site, which will be similar in character to the surrounding area. She said that the 2007 Comprehensive Plan recommends Warehouse & Wholesale land use for the subject property, as well as much of the area to the north and south. Many of the parcels in the area recommended for that land use category are not zoned B-4; rather, may be zoned B-3 or I-1. The existing and proposed zoning cannot be found, therefore, to be exactly in compliance with the Comprehensive Plan recommendation. The petitioner has cited the retail nature of the land uses along Regency Road and Moore Drive, which are different from the recommended uses in this area, as a justification for the zone change, contending that the proposed B-3 zone is appropriate at the existing I-1 zone is inappropriate at this location. The petitioner also contends that the requested change is consistent with the adopted 2012 Comprehensive Plan Goals & Objectives. Ms. Wade stated that the staff agrees with the petitioner's assertions, particularly that this area of the community supports small business development (which is part of Goal C.2.b.), since most of the businesses along the Regency Road corridor utilize 10,000 square feet or less of floor area, and occupy multi-use buildings. This area houses several unique uses and specialty stores, and the proposed B-3 zone would permit the expansion of those uses beyond what is permitted in the B-4 and I-1 zones, as long as the parking requirements for those uses are met.

Ms. Wade said that the staff is suggesting conditional zoning restrictions be approved for the property, to be consistent with other B-3 zoning in the area. She explained that the adjacent property to the south has conditional zoning restrictions, which were put in place approximately nine years ago. The staff believes that those same restrictions would be appropriate for the subject property as well, with the addition of the prohibition of medical and dental offices, due to the staff's concerns about parking and traffic. Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Development Plan Presentation: Ms. Gallt presented the corollary final development plan, further orienting the Commission to the location of the subject property. She stated that the first 13 conditions listed on the agenda for this plan were for standard sign-offs; and condition #14 refers to the need for shared access and parking. Since this plan was reviewed at the Subdivision Committee meeting, the staff has received a copy of a new deed for the prop-

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erty to convey the reciprocal parking restriction that has been recorded for the subject property. Ms. Gallt stated that condition #14 has been satisfied, and could now be deleted from consideration.

Commission Questions: Mr. Owens asked if the reciprocal parking agreement would be denoted on the plan, to which Ms. Gallt answered affirmatively.

Citizen Comments: There were no citizens present to comment on this item.

Zoning Action: A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 10-0 (Beatty absent) to approve MAR 2013-15, for the reasons provided by staff.

Development Plan Action: A motion was made by Mr. Penn, seconded by Ms. Mundy, and carried 10-0 (Beatty absent) to approve ZDP 2013-75, with the first 13 conditions as listed, deleting #14.

## V. COMMISSION ITEMS

- A. **SCHEDULING OF A PUBLIC HEARING ON THE 2013 COMPREHENSIVE PLAN** – The Commission will consider a possible amendment to the 2013 Meeting & Filing Schedule to schedule a public hearing on the text and maps proposed for the 2013 Comprehensive Plan.

Director Comments: Mr. King stated that the staff was recommending that the Commission amend their official Meeting & Filing Schedule in order to set aside October 31, 2013, as the date for the public hearing for the draft of the Comprehensive Plan. He added that the November 14<sup>th</sup> meeting would also have an agenda item where the staff would report back on any items the Commission requested from the public hearing, and provide the potential for the adoption of certain Plan elements.

Commission Questions: Mr. Owens asked if the October 31<sup>st</sup> public hearing would be at 1:30 p.m. Mr. King answered affirmatively, noting that the hearing would take place in the Council Chamber.

Ms. Plumlee asked if the Plan would be referred to as the 2012 or 2013 Comprehensive Plan, and what the next Plan would be called. Mr. King responded that the next Comprehensive Plan would likely be in 2018. He explained that the state Statute dictates only that the community review its Comprehensive Plan every five years; there is no mandate that an update must be adopted within a certain time frame or the previous Plan become invalid.

Mr. Owens added that this Plan would be called the 2013 Comprehensive Plan. Mr. King noted that the Goals & Objectives were adopted in 2012.

Action: A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 10-0 (Beatty absent) to amend the Meeting & Filing Schedule to add a public input hearing for the Comprehensive Plan on October 31, 2013.

- VI. **STAFF ITEMS** – No such items were presented.

- VII. **AUDIENCE ITEMS** – No such items were presented.

## VIII. **MEETING DATES FOR OCTOBER, 2013**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October 3, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	October 3, 2013
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>October 10, 2013</b>
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	October 17, 2013
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>October 24, 2013</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	October 30, 2013
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	October 31, 2013

## X. **ADJOURNMENT**

TLW/TM/CT/BJR/BS/src

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\* - Denotes date by which Commission must either approve or disapprove request.